

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

**UNITED STATES OF AMERICA**

v.

**STEWART JUSTUS,**

Defendant.

) 7:13-cv-00398  
)  
) Case No. 1:04CR00070  
)  
) **ORDER**  
)  
) By: James P. Jones  
) United States District Judge  
)

For the reasons set forth in the Opinion accompanying this Final Order, it is ORDERED that the defendant's "MOTION TO ENFORCE TERMS OF PLEA AGREEMENT" (ECF No. 300) is DENIED; the defendant's submission is CONSTRUED as a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241; the Clerk is DIRECTED to docket the pleading (ECF No. 300) as a § 2241 petition, along with this Order, in a separate civil action for administrative reasons only; and that civil action under § 2241 is hereby DISMISSED without prejudice and stricken from the active docket of the court.

ENTER: August 26, 2013

/s/ James P. Jones

United States District Judge